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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

DOE 1, an individual; DOE 2, an
 individual; DOE 3, an individual; DOE 4,
 an individual; DOE 5, an individual; and
 DOE 6, an individual

Plaintiffs,

v.

SUPERIOR COURT OF CALIFORNIA,
 COUNTY OF ORANGE, a California
 public entity,

Defendant.

Case No: 8:18-cv-01499 DOC (JDEx)

MOTION TO DISMISS
Federal Rule Of Civil Procedure 12(b)(6)

Date: November 28, 2018
Time: 7:30 a.m.
Courtroom: 9D

Judge: David O. Carter
Magistrate Judge: John D. Early

Complaint Filed: 8-23-18

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT at 7:30 a.m. on November 28, 2018, or as soon
3 thereafter as the matter may be heard in Courtroom 9D of the above-captioned court located at
4 411 West 4th Street, Santa Ana, CA 92701, Rudy Padrol and Jose Monteagudo will move this
5 Court for an order dismissing Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure
6 12(b)(6).

7 Specifically, Padrol and Monteagudo seek an order:

- 8
- 9 1. Dismissing Plaintiffs' entire complaint pursuant to the Eleventh Amendment;
 - 10 2. Dismissing Plaintiffs' entire complaint because Plaintiffs' have suffered no injury
11 and therefore lack standing to pursue this matter;
 - 12 3. Dismissing Plaintiffs' entire complaint because this Court cannot grant effective
13 relief;
 - 14 4. Dismissing Plaintiffs' entire complaint based on collateral estoppel principles;
 - 15 5. Dismissing Plaintiffs entire complaint because Plaintiffs have failed to plead facts
16 entitling them to the issuance of an injunction.
17

18 This motion is made following a conference of counsel pursuant to local rule 7-3, which
19 took place on September 24, 2018.

20 This motion is based on this Notice of Motion and Motion, the concurrently filed
21 Memorandum of Points and Authorities, Declaration of Devin M. Storey, all other pleadings,
22 papers, and evidence on file in this matter, matters properly subject to judicial notice, and such
23 other matters or arguments as may be provided on or before the hearing hereof.
24

25 THE ZALKIN LAW FIRM, P.C.

26
27 Dated: October 29, 2018

28 By: /s/ Devin M. Storey
Attorney for Intervenors

PROOF OF SERVICE

United States District Court Central District of California Case No: 8:18-cv-01499-DOC (JDEx)

I, **Lisa E. Maynes**, am employed in the city and county of San Diego, State of California. I am over the age of 18 and not a party to the action; my business address is 12555 High Bluff Drive, Suite 301, San Diego, CA 92130.

On October 29, 2018, I caused to be served:

MOTION TO DISMISS – FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS

[PROPOSED] ORDER RE MOTION TO DISMISS

in this action by placing a true and correct copy of said documents(s) in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (BY E-MAIL OR ELECTRONIC TRANSMISSION) Using the CM/ECF system. The CM/ECF system will provide service of such filing(s) via Notice of Electronic Filing to the persons at the emails listed below. I did not receive, within a reasonable time after the transmission, any electronic messages or other indication that the transmissions were unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: **October 29, 2018**

/s/ Lisa E. Maynes

Lisa E. Maynes

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